

REMARKS/ARGUMENTS

The Office Action mailed July 6, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Applicant hereby requests acknowledgement of the Information Disclosure Statement filed August 16, 2004.

Information Disclosure Statement

It is indicated in the Office Action that the IDS of 2/28/05 regarding item A (Benedict et al.) was not considered. Applicants have submitted an English language version of item A, “edit by Benedict et al, Chip Morningstar and F. Randall Farmer, Chapter 10, The lessons of Lucasfilm’s Habitat”, along with an accompanying form PTOL-1449. Applicants respectfully request acknowledgment of the English language version of item A submitted. Consideration of this reference is respectfully requested.

Amendment of Claim 1 in the response to the First Office Action

Applicants respectfully admit the failure to underline the added text “visually” in claim 1 (line 14) to claim 1 in the amendment in the response to the First Office Action, as indicated by the Examiner. This error was a typographical error and made without any intent to deceive. Applicants gratefully acknowledge the Examiner’s waiver of the requirement for Applicants to correct the error within one month.

The 35 U.S.C. § 102 Rejection

Claims 1, 6, 8-14, 16, 19, 21-27, 29, 34-39 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Harper et al.¹ This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

Claims 1, 14, 16, 27, 29

Specifically, the Office Action contends that 1) regarding “a process at a terminal at which voice is input for generating voice data indicating said voice,” Harper et al. teaches a teacher control system (claimed “a terminal”), the teacher control system includes a microphone at which voice is input, and the voice signal generated by the terminal for transmission is the claimed “voice data,” 2) regarding “a process at the server for receiving said voice data, Harper et al. teaches “an administrative computer” and “an audio mixer” (claimed “a server receives voice data”), 3) regarding “a process at said server for sending said voice data to a predetermined terminal, a process at said predetermined terminal for receiving said voice data, and a process at the terminal that received said voice data for outputting the voice indicated by said voice data,” Harper et al. teaches a predetermined terminal for receiving voice data from the server, 4) regarding “a process at the terminal that received said voice data for generating a reception result of said voice data,” Harper et al. teaches the participants enters a response (claimed “a reception result”) via the keypad after receiving the voice data from the instructor, and 5) regarding “a

¹ U.S. Patent No. 5,537,141.

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

process at the terminal that generated said voice data for receiving said reception result and a process at the terminal that received said reception result for visually indicating a reception state of said voice data based on said reception result,” Harper et al. teaches the participant’s response data (claimed “a reception result”) are displayed (claimed “visually indicating”) at the teacher control system (claimed “a terminal”) which includes the displaying monitor. Applicants respectfully disagree for the reasons set forth below.

Harper et al. discloses that a host computer processes student responses and displays the processing result on the monitor in the bar graph or the chart form. However, as is clear from column 15, lines 43-45 of Harper et al., “the student responses including tallying responses, ...etc.,” the information being displayed on the monitor is the tallied result of the response data from the students, not the reception state of the voice data based on the reception results of the voice data. In other words, Harper et al. does not teach a process for visually indicating the reception state of the voice data based on the reception results of the voice data.

In contrast, the present invention provides that the terminal that received the reception result of the voice data visually indicates a reception state of the voice data based on the reception results of the voice data (page 15, lines 3-21 of the specification). Therefore, in the present invention, the talker is able to know in his bones whether his voice has reached the listener, and thus it is possible to converse smoothly. Such an effect cannot be obtained by displaying the tallied results of the response data on the monitor, as disclosed in Harper et al.

Further, Harper et al. neither expressly or inherently describes the process at the terminal that received the reception result for visually indicating a reception state of the voice data based on the reception result of the voice data, it cannot be said to anticipate the claimed invention. Thus, it is respectfully requested that this rejection be withdrawn.

Claims 6, 19, 32

The Office Action contends that Harper et al. teaches a header (claimed “an utterance data”) for the audio packets, the header of the packet is one of a plurality of data fields within the data packets (claimed “the voice data”), and therefore, the header is shorter than the voice data. Applicants respectfully disagree for the reasons set forth below.

The header of Harper et al. is one of a plurality of data fields within the data packets (i.e. voice data). In other words, the header of Harper et al. is sent together with the voice data. Thus, if arrival of the voice data is delayed, a listener cannot easily ascertain the timing of an utterance, because arrival of the header is also delayed.

In contrast, the utterance data of the present invention is separated from the voice data and is sent before sending the voice data (page 17, lines 1-8 of the specification). In the present invention, even if arrival of the voice data is delayed due to various causes (e.g. a larger size of voice data, a change in network traffic, etc.), a listener can easily ascertain the timing of the utterance because the utterance data arrives ahead at the listener terminal and a predetermined indication is carried out according to the utterance data (page 17, lines 14-21 of the specification).

Further, Harper et al. neither expressly nor inherently shows that the header of the data packet is separated from the data and is sent before sending the data, accordingly it cannot be said to anticipate the claimed invention. Thus, it is respectfully requested that this rejection be withdrawn.

Claims 8, 21, 34

Since claims 8, 21, 34 are dependent claims of independent claims 6, 19, 32, respectively, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims 8, 21, 34 must also be allowable.

Claims 9-12, 22-25, 35-38

Regarding “server for storing permission or denial” in claim 9, 22, 35, the Office Action contends that Harper et al. teaches that administrative computer terminal authorization, the receiving terminal (claimed “a predetermined terminal”) is designated for permission or denial based on the authorization stored in the server, the authorization must be within the authorized limits (authorization list), any terminal that is authorized is designated for receiving data, and the administrative computer is the claimed “predetermined terminal for designating permission or denial.” Applicants respectfully disagree for the reasons set forth below.

Harper et al. discloses an administrative computer (i.e. a teacher terminal) transmits site/user authorization to all the classroom master units. In other words, Harper et al. discloses that an administrative computer authorizes only the transmission between a student terminal and the administrative computer. Thus, although it is possible to converse between a teacher and an optional student without the conversation being known of by other students, it is impossible to converse between students without the conversation being known of by a teacher.

In contrast, the present invention provides that a predetermined terminal authorizes a transmission from “an optional terminal” to “another optional terminal” by designating “an optional terminal” as the transmission destination for “another optional terminal (page 23, lines 3-16 of the specification). Thus, in the present invention, it is possible to converse between optional terminals without the conversation being known of by a teacher.

Further, Harper et al. neither expressly or inherently describes an administrative computer authorizes the transmission between student terminals, it cannot be said to anticipate the claimed invention. Thus, it is respectfully requested that this rejection be withdrawn.

As to dependent claims 10-12, 23-25, 36-38, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Claims 13, 26, 39

The Office Action contends that all rejections as stated in claims 1, 6, 9 apply to claims 13, 26, 39. Regarding claims 13, 26, 39, for the same reasons as the above mentioned reasons for independent claims 1, 6 9, it cannot be said to anticipate the claimed invention by Harper et al. Thus, it is respectfully requested that this rejection be withdrawn.

The First 35 U.S.C. § 103 Rejection

Claims 2, 7, 15, 20, 28, 33 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harper et al. in view of Bales et al.³ This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁴

³ U.S. Patent No. 5,729,532.

⁴ M.P.E.P § 2143.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Harper et al. except that Harper et al. does not teach “said process for indicating said reception state/utterance indicates said reception state/utterance by indicating an action of an avatar of a user of the terminal that received said voice data/sent utterance data.” The Office Action further contends that Bales et al. teaches display of each member of the conference call (reads on claimed “the action of the avatar) and the call state (claimed “reception state.”) and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Bales et al. into Harper et al. in order to support the reception state by indicating the avatar of the user to the system users. Applicants respectfully disagree for the reasons set forth below.

First of all, Applicants respectfully believe that independent claims 1, 6, 14, 19, 27, 32, upon which claims 2, 7, 15, 20, 28, 33 depend respectively, are patentable over Harper et al. in view of Bales et al. As explained above, Harper et al. failed to teach a process for indicating the reception state/utterance of the voice data/utterance data. Bales et al. discloses that the call state is utilized to display the state of the conference call. As asserted in the Office Action, the call state may read on “the reception state” claimed in the present invention. However, there is no suggestion or motivation to combine Bales et al. with Harper et al., whether explicitly or implicitly in Bales et al., or in the knowledge generally available to one of ordinary skill in the art. Accordingly, it would not have been obvious to a person skilled in the art to create the invention of independent claims 1, 6, 14, 19, 27, 32. As to dependent claims 2, 7, 15, 20, 28, 33, the argument set forth regarding independent claims 1, 6, 14, 19, 27, 32 are equally applicable here, respectively. Since the base claims would not have been obvious, the dependent claims 2, 7, 15, 20, 28, 33 must also not be obvious.

Further, the present invention provides that “an action of an avatar of a user of the terminal” is indicated to indicate the reception state. “An avatar” is a specific display form within the virtual space to display the user of the terminal on the terminal’s screen display device. (page 1 of lines 18-20 of the specification)

In contrast, Bales et al. discloses that video screens indicate a partitioning of display to separately display each member of the call conference. The video screens displays the video of the participants of the conference call, not an action of an avatar of the participant. Further, there is no suggestion in Bales et al. that an action of an avatar may be used to display each member of the conference call and the call state. Therefore, it would not have been obvious to a person skilled in the art to create the invention of claim 2, 7, 15, 20, 28, 33. It is respectfully requested that this rejection be withdrawn.

The Second 35 U.S.C. § 103 Rejection

Claims 3, 5, 18, 31 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harper et al. in view of Hamilton et al.⁵ This rejection is respectfully traversed.

Claim 3

Specifically, regarding claim 3, the Office Action contends that the elements of the presently claimed invention are disclosed in Harper et al. except that Harper et al. does not teach “ACK or NACK messages.” The Office Action further contends that Hamilton et al. teaches the recipient (claimed “a terminal that received said voice data”) positively acknowledge receipt

⁵ U.S. Patent No. 6,392,993.

(claimed “indicating the reception state”) of packet by sending an ACK to the sender (claimed “a terminal that sent said voice data”) and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Hamilton et al. into Harper et al. in order to support the system users conveniences of indicating the reception result by an ACK message. Applicants respectfully disagree for the reasons set forth below.

First of all, Applicants respectfully believe that independent claims 1, upon which claim 3 depends, is patentable over Harper et al. in view of Hamilton et al. As explained above, Harper et al. failed to teach a process for visually indicating the reception state of the voice data based on the reception result. Hamilton et al. also fails to disclose a process for visually indicating the reception state of the voice data based on the reception result. Accordingly, Harper et al. in view of Hamilton et al. fails to teach all claim limitation of independent claims 1. As to dependent claims 3, the argument set forth above is equally applicable here. Since the base claim would not have been obvious, the dependent claim 3 must also not be obvious.

Further, Harper et al. fails to teach “ACK or NACK messages.” Hamilton et al., as is asserted in the Office Action, discloses that the recipient positively acknowledges receipt of the packet by sending an ACK to the sender. However, there is no suggestion or motivation to combine Hamilton et al. with Harper et al., whether explicitly or implicitly in Hamilton et al., or in the knowledge generally available to one of ordinary skill in the art. Accordingly, it would not have been obvious to a person skilled in the art to create the invention of claim 3.

Claims 5, 18, 31

Specifically, regarding claim 5, 18, 31, the Office Action contends that the elements of the presently claimed invention are disclosed in Harper et al. except that Harper et al. does not teach “a reception result based on a data form.” The Office Action further contends that Hamilton et al. teaches that an ACK message is generated based on the reception of data packets.

First of all, Applicants respectfully believe that independent claims 1, 14, 27, upon which claims 5, 18, 31 depend are patentable over Harper et al. in view of Hamilton et al. As explained above, Harper et al. failed to teach a process for visually indicating the reception state of the voice data based on the reception result. Hamilton et al. also fails to disclose a process for visually indicating the reception state of the voice data based on the reception result.

Accordingly, Harper et al. in view of Hamilton et al. fails to teach all claim limitation of independent claims 1, 14, 27. As to dependent claims 5, 18, 31, the argument set forth above is equally applicable here. Since the base claims would not have been obvious, the dependent claims 5, 18, 31 must also not be obvious.

Further, as asserted in the Office Action, Harper et al. failed to teach “a reception result based on a data form of said voice data” and Hamilton et al., discloses the ACK message is generated based on the reception of data packets. However, there is no suggestion or motivation to combine Hamilton et al. with Harper et al., whether explicitly or implicitly in Hamilton et al., or in the knowledge generally available to one of ordinary skill in the art. Accordingly, it would not have been obvious to a person skilled in the art to create the invention of claims 5, 18, 31.

Therefore, it is respectfully requested that this rejection be withdrawn.

The Third 35 U.S.C. § 103 Rejection

Claims 4, 17, 30 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harper et al. in view of Moteki et al.⁶ This rejection is respectfully traversed.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Harper et al. except that Harper et al. does not teach “said process for generating said recipient result adds an ID of the terminal that received said voice data to said reception result and said process for indicating said reception state indicates said ID along with said reception state.” The Office Action further contends that Moteki et al. teaches an ACK message includes a terminal ID and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Moteki et al. into Harper et al. in order to support the ACK message includes a terminal ID to the system users. Applicants respectfully disagree for the reasons set forth below.

First of all, Applicants respectfully believe that independent claims 1, 14, 27, upon which claims 4, 17, 30 depend are patentable over Harper et al. in view of Moteki et al. As explained above, Harper et al. failed to teach a process for visually indicating the reception state of the voice data based on the reception result. Moteki also failed to disclose a process for visually indicating the reception state of the voice data based on the reception result. Accordingly, Harper et al. in view of Moteki et al. fails to teach all claim limitation of independent claims 1, 14, 27. As to dependent claims 4, 17, 30, the argument set forth above is equally applicable here. Since the base claims would not have been obvious, the dependent claims 4, 17, 30 must also not be obvious.

⁶ U.S. Patent No. 5,960,005.

Further, Moteki et al., as is asserted in the Office Action, discloses an ACK message includes a terminal ID. However, there is no suggestion or motivation to combine Moteki et al. with Harper et al., whether explicitly or implicitly in Moteki et al., or in the knowledge generally available to one of ordinary skill in the art. Accordingly, it would not have been obvious to a person skilled in the art to create the invention of claims 4, 17, 30. Therefore, is respectfully requested that this rejection be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

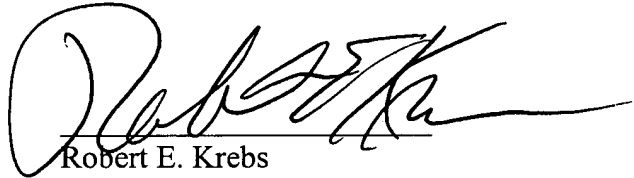
Conclusion

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

A handwritten signature in black ink, appearing to read 'Robert E. Krebs', written over a horizontal line.

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